

DNR's Air Permit Improvement Initiative: An Update

The Air Permit Improvement Initiative (APII) was created in 2003 by the Department of Natural Resources (DNR) Secretary Scott Hassett and requires the agency to streamline its air permit program while maintaining environmental standards. The creation of APII stemmed from growing concerns about the significant time and effort needed to produce an air permit, and whether that time and effort actually and consistently resulted in measurable environmental benefit. In addition, 2003 Wisconsin Act 118 required changes in Wisconsin's air permit program. To date, APII has made significant progress in two areas: developing rules for registration and general permits, and establishing greater public awareness.

Registration Permits

The DNR has been developing rules and guidelines for a new type of permit called a registration permit. This type

of permit is popular in many states to supplement their permit programs. There would be two categories of registration permits, operation and construction. For a business to qualify for either one, it must keep emissions below certain limits.

Some states, such as Minnesota and Michigan, long ago turned to 'registration' permits that allows small emitters to quickly register themselves for a permit in return for keeping emissions low. Businesses typically receive the permit within two weeks. Minnesota, has issued over 1,900 registration permits.

Benefits of a registration permit include quick turnaround times freeing up DNR time to draft more complicated permits, and allowing companies to proceed quickly with construction. The permit language will be predictable, offering companies a sense of certainty.

(Cont'd on Page 3)

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Dry Cleaners Reporting Alert

On July 1, 2004, Wisconsin Administrative Code NR 438, which relates to reporting of air contaminant emissions, was revised. Prior to this revision, reporting levels for perchloroethylene (perc) emissions were 6,000 pounds per year. The revised rule requires facilities emitting more than 151 pounds/year of perc to report to the DNR. There are no fees

associated with reporting of perc, unless your facility's perc emissions are greater than 10,000 pounds/year. Use the 2005 dry cleaner compliance calendar to keep track of your perc consumption. Starting in January 2006 you will have to send your perc consumption data to the DNR.

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DNR Refrigerant Recovery Regulations Being Revised (NR 488)

In 1989, Wisconsin passed laws creating three programs to control emissions of ozone-depleting refrigerants when servicing and salvaging refrigeration and air-conditioning equipment. Programs at the WI Depts. of Agriculture, Trade & Consumer Protection (DATCP) and Commerce regulate those who install and service vehicle and "stationary" equipment, respectively. The Department of Natural Resources (DNR) regulates those who transport and salvage such equipment and recover the refrigerants for the final time under Chapter NR 488, Wis. Adm. Code.

The DNR program regulates about 600 business and government entities in and around Wisconsin, including vehicle and appliance salvagers, scrap metal processors, HVAC businesses that retire refrigeration, AC systems, waste haulers and others who collect discarded refrigerated appliances, and demolition contractors.

The DNR is proposing to revise ch. NR 488 to apply these standards to those handling equipment containing the new generation of refrigerants, to make record keeping requirements more useful to the industry and DNR, and to update references to other agency regulations.

Add Substitute Refrigerants: Under authority provided by the state legislature in 1995, the DNR is proposing to apply the ch. NR 488 requirements to those salvaging or transporting equipment containing certain refrigerants that have been developed as substitutes for ozone-depleting refrigerants and are also damaging to the earth's atmosphere as global-warming gases. Vehicles and appliances containing these refrigerants are now entering the waste stream in large numbers and should be properly processed to control emissions of these harmful gases. By

applying the standards of this rule to these other refrigerants, the DNR's program will be consistent with federal regulations and will control substances already regulated by the other state programs.

Improve Record Keeping Requirements:

These proposed changes will allow the salvager to track their own compliance, as well as provide greater assurance to those receiving the scrap that it has been properly processed for refrigerant removal. These records will also provide the DNR much greater ability to determine if someone has actually recovered refrigerants from particular items they have on their property or that they have transferred to a scrap processor. The records will also help determine if the salvager has provided documentation of refrigerant recovery to the scrap processor.

Update References: Sections of NR 488 refer to regulations previously administered by the Department of Industry, Labor and Human Relations will be changed to properly refer to the Department of Commerce's codes.

To find out more about these proposed revisions, visit the state's Administrative Rules Clearinghouse website at **adminrules.wisconsin.gov**.

Just pick SEARCH and enter NR 488 to see the rule-making documents and to submit comments during the public comment period (from mid-March until April 8).

Public hearings will be held in Milwaukee, Green Bay and Eau Claire Tuesday, **March 22**, 10 am until Noon. Call Lance Green, DNR Stratospheric Ozone Specialist, at 608-264-6049 for more information.

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Once an application is received, the Department would have a 15 day review time frame for both registration permits (operation and construction).

Registration Operation Permit - To be eligible for a registration operation permit, the DNR is proposing that a facility cap emissions at 25 tons per year (25% of major source threshold) of criteria pollutants with lower thresholds in non-attainment areas. In addition, the facility must stay below 2.5 tons per year of each federal hazardous air pollutant (HAP) and 6.26 tons per year of all HAPs combined. This type of permit would allow facilities to make modifications or add equipment without applying for a construction permit as long as the facility's emissions stay below the emission caps and the changes can meet applicable requirements.

Registration Construction Permits – This type of registration permit would be available to all sources, major and minor, if the facility maintains certain thresholds for the emission unit(s) to be constructed or modified. The registration construction permits would expire as requirements are transferred to an operation permit.

General Permit

In addition to revising its permit regulations to establish criteria for registration permits, the DNR is also proposing to revise its permit regulations for "general" type permits. DNR already has the authority to issue a standard off-the-shelf type of permit, or "general" operation permit, for similar types of sources already operating such as rock crushing plants, ethylene oxide sterilizers, and small heating units. The proposed rule revisions would allow the DNR to develop a general

construction permit that could be used for similar new or modified construction projects.

Public Hearings

During fall of 2004, the DNR held public hearings on draft rules for establishing registration permits and modifying the use of general permits for similar type sources. This winter, more meetings with industry, trade and environmental advocacy groups were held. Another public hearing was held on **March 3, 2005** in Madison, Wisconsin. DNR hopes to take this proposed rule to the Natural Resources Board for adoption in early spring.

For further information on the proposed rules, please contact Caroline Garber at: caroline.garber@dnr.state.wi.us. For technical information regarding registration and general permits, please contact Dave Minkey at: dave.minkey@dnr.state.wi.us. To see the proposed rules, please visit the state administrative rule website at:

<https://apps4.dhfs.state.wi.us/admrules/public/Rmo?nRmold=186>

APII Newsletter

As part of its commitment to greater public awareness, the Air Management program recently unveiled its new quarterly Web-based newsletter, **APII Alert!** The current issue is now online and includes many more details about registration and general permits as well as information on the air permit improvement initiative. The next issue will be available in March.

To view it, click on:

<http://dnr.wi.gov/org/aw/air/apii/alert.html>

To receive future issues, send your email address to the editor, Katherine Esposito. Katherine.esposito@dnr.state.wi.us

Proposed Changes to the EPA's Toxic Release Inventory

The Environmental Protection Agency (EPA) announced recently, the first of two proposed rules intended to reduce the time and resources needed to submit annual reports to EPA's Toxics Release Inventory (TRI). TRI data and information are currently provided to federal officials by nearly 23,000 industrial and federal facility owners and operators nationwide.

These rules are being proposed after the agency received suggestions from stakeholders in meetings and on-line between November, 2002 and March, 2004. The proposed rule being announced today is the "Toxics Release Inventory Forms Modification Rule" in the Federal Register Volume 70, Number 6 (<http://www.gpoaccess.gov/fr/>). The proposals contain several options that could potentially reduce the amount of time that facility representatives currently spend each year submitting data and information by an estimated 45,000 hours.

The proposed changes to the TRI Reporting Forms are not anticipated to impact human health or environmental quality. EPA believes that these changes will enhance the efficiency and effectiveness of the TRI program, while continuing to provide the public with the same high level of information about chemical releases and waste management in their communities.

Comments on the proposed rule are due to EPA by **March 11, 2005**. For further information on this proposed rule or ways to submit comments on EPA's proposal, contact Ms. Shelley Fudge 202-566-0674, U.S. EPA or visit the TRI Web Site at:

<http://epa.gov/tri/tridata/tier3/formsmodrule.html>

Wanted: Environmental Success Stories

The Wisconsin Environmental Working Group is accepting nominations for the 16th annual *Business Friend of the Environment* awards. The awards are available to private industry companies headquartered or with significant operations in Wisconsin. The awards are given annually to companies that demonstrate leadership in the environmental area. Companies may self nominate. Governmental entities are not eligible for the awards.

The awards will focus on the following three areas (judges will determine category):

- ✓ Pollution Prevention
- ✓ Use of Innovative Technology
- ✓ Environmental Stewardship

Three winners will be selected in each of these categories. In each category, an award will be given to a company with less than 100 employees, to a company with 100 to 150 employees, and to a company with over 500 employees.

These awards will be publicized statewide and locally. In addition, winners will be announced and honored at the annual *Wisconsin Manufacturers & Commerce Environmental Policy and Awards Conference* on May 5, 2005.

The nomination deadline is Friday March 11, 2005.

To find out more information about award criteria visit the Wisconsin Environmental Working Group website at <http://www.wmc.org/wewg> or contact Karen Mahlkuch at 608-661-6938.

EPA Reclassifies Chemicals

The Environmental Protection Agency (EPA) recently removed a number of chemicals from the lists of regulated pollutants. Under the authority of the Clean Air Act, EPA delisted or exempted six chemicals. The solvent **Ethylene glycol mono-butyl ether (EGBE)** has been removed from the list of air toxics. EGBE is used in hydraulic fluids and in water-based coatings for various industries including metal can manufacturers. It is also used in varnishes, vinyl and acrylic paints, and as a solvent for varnishes, enamels, spray lacquers, dry cleaning compounds, textiles and cosmetics. Facilities are still required to report the use of EGBE under the EPA's Toxics Release Inventory and the EPA will continue to regulate it as a volatile organic compound (VOC).

In a separate action the EPA excluded the following compounds from control as VOCs: **HFE-7000, HFE-7500, HFC 227ea** and **methyl formate**. These compounds, which are used in refrigerants, fire suppressants and propellants, do not contribute significantly to ground level ozone formation. All of these compounds are environmentally preferable substitutes for CFCs and HCFCs. In addition, EPA is excluding **Tertiary Butyl Acetate (TBAC)** as a VOC because scientific evidence shows it also does not contribute significantly to the formation of ground level ozone. While TBAC will not be a VOC for purposes of VOC emission limitations or VOC content requirements, it will continue to be subject to recordkeeping, emissions reporting, and inventory requirements which apply to VOCs. A number of manufacturers of paints, inks and adhesives have indicated, to the EPA, that if TBAC were excluded from regulation as a VOC; they would use it in their products in place of other compounds that are as much as 20 to 30 times more likely to form ground-level ozone.

Delisting an air toxic is a rigorous process, involving independent scientific peer review, to demonstrate there are adequate data to determine that emissions may not reasonably be anticipated to cause adverse effects. The reviews that were conducted concluded that the chemicals pose less risk than previously thought and that reclassifying them would not compromise public health. Public comment was received and considered in making these determinations. The last time EPA delisted an air toxic, was in 1996 when caprolactam was delisted.

So what does this mean for Wisconsin regulations?

The WI DNR does not have the authority to automatically adopt Federal rule changes. Changes to the Federal VOC definition must be incorporated into administrative code (chs. NR 400 - 499, Wis. Adm. Code, for air management rules). With respect to EGBE, it is regulated under the states hazardous air pollutant rule (NR 445).

The air management program has just begun the process of scoping the work and seeking department authorization to proceed to amend the rules for the compounds EPA excluded from control as VOCs. This work will be done so that the DNR rules are consistent with EPA's recent action. If authorization is received and the process goes smoothly, DNR could expect to have a rule change in place and effective in the spring of 2006.

Facilities in Wisconsin need to keep in mind, that until there is a change in the state rules, these compounds are still treated as VOCs. Therefore, facilities need to still report these compounds as VOCs with respect to their air emissions inventory (NR 438).

<http://www.epa.gov/airlinks/5voc.html>

Wisconsin Small Business Regulatory Alert!

It's important for small business to have their voice heard during the state rule-making process. To do this, you need to know when rules are being developed by state agencies that may directly impact your small business.

Small Businesses now have a means for determining if there are any rules being developed that may affect their businesses, through a new "**Regulatory Alert.**" The Regulatory Alert is an email that is sent out on the 15th of each month to all those interested.

Learn what state rules are being promulgated or going to public hearing. Nothing fancy, just brief notifications of what rules are available or will be available, where they are at in the regulatory process and how you can provide your input. The alerts will also provide information on small business related training/workshops and other regulatory information important to Wisconsin small businesses.

The Regulatory Alert is sent by the Department of Commerce's Small Business Ombudsman.

You can subscribe to this email service at:

www.commerce.wi.gov/BD/MT-FAX-0905.html.

The website also contains more information on how the Small Business Ombudsman can assist your business.

Don't want to sign up for the alert, but want to find out about DNR public hearings and/or meetings? Visit:

www.dnr.state.wi.us/org/caer/ce/news/hearmeet.html

Wisconsin Business Environmental Assistance Partnership

Is your business operating in compliance with all state and federal air, waste, water regulations? If you're not sure, the Wisconsin Business Environmental Assistance Partnership (WBEAP) can help.

What is WBEAP?

WBEAP helps Wisconsin business and communities understand environmental regulations, prevent pollution and establish continuous improvement. WBEAP is a working partnership between the Departments of Commerce (Small Business Clean Air Assistance Program), Natural Resources (Cooperative Environmental Assistance Program), Agriculture, Trade & Consumer Protection (Agrichemical Program), and the University of Wisconsin-Extension (Solid and Hazardous Waste Education Center).

WBEAP has a wealth of expertise in the following environmental areas:

- ✓ Air Pollution Regulations and Requirements
- ✓ Environmental Innovation
- ✓ Environmental Management Systems (EMS)
- ✓ Fertilizer & Pesticide Management
- ✓ Industrial & Community Recycling
- ✓ Renewable Energy & Energy Conservation
- ✓ Stormwater Control Plans
- ✓ Waste Minimization

Through a collaborated effort, WBEAP showcases a wide variety of resources and tools at the Wisconsin Pollution Prevention Partnership website: <http://wip2.uwex.edu/>

Hot Topics in DNR's Air Program

<http://www.dnr.state.wi.us/org/aw/air/hot/index.htm>

The DNR air management program has published a summary of its 2004 accomplishments. Highlights of the document include:

Air Permit Improvement Initiative (APII)

Accomplishments: The DNR solicited input from stakeholders for streamlining the permit process. A variety of APII work groups shaped recommendations for improving the permit system.

Asbestos Citation Authority &

Implementation: DNR environmental wardens now have the authority to issue asbestos citations.

Wisconsin Natural Resources

Magazine: This publication, titled "Breathing Easier -- Forecasting Air Quality in Wisconsin," provides an overview of air quality successes and challenges.

Mercury Rule: After several years of effort involving numerous stakeholders the state mercury regulation was signed into law.

Elimination of the Federal Operation

Permit Backlog: The air program has successfully eliminated the remaining 148 Federal Operation Permits (Title V) that were identified for completion at the start of 2004.

Air Toxics Rule: Wisconsin's air toxics rule revisions became effective July 1, 2004.

The DNR has developed a new and powerful tool for determining air pollution compliance requirements. Inspired by the University of Wisconsin-Extension's Solid and Hazardous Waste Education Center's (SHWEC) air toxic identification tool "HAPsHelp," DNR's new listing of NR 438 (reporting) air pollutants provides additional information about regulatory requirements and reporting levels.

This website tool provides in-depth information on over 750 air pollutants. The tool can save manufacturers hours in figuring out compliance with air regulations. So what does this tool include?

- ✓ Detailed information on air pollutants characteristics and the type of applications the pollutant is found in.
- ✓ Use reference: A link to an Environmental Protection Agency's (EPA) chemical factsheet.
- ✓ Regulatory information: Identifies whether the pollutant is regulated under any of the following:
 - Clean Air Act Pollutant
 - NR 407 (Construction Permits)
 - NR 438 (Reporting Requirements)
 - NR 445 (WI Hazardous Air Pollutant Rule)
- ✓ Reporting thresholds and permit inclusion levels.
- ✓ Reference and data information: specifically identifies the type of facilities reporting the pollutant to the DNR.

To find out if this tool can help you in determining compliance with regulations, visit:

www.dnr.state.wi.us/org/aw/air/emission/nr438/pollutant_list_ns.htm

The site also provides a link to SHWEC's HAPsHelp tool.

Environment 2005

The Federation of Environmental Technologists (FET) annual environmental conference is coming up **March 8-9, 2005**. This year's conference marks the 20th anniversary of FET hosting the event.

Conference air topics include:

- ✓ Federal air regulatory update: including new source review and the federal 8-hour ozone standard
- ✓ Title V (major source) permits & DNR's air permit streamlining initiative
- ✓ Industrial boiler/process heater maximum achievable control technology (MACT) - requirements and implementation

The conference includes an afternoon devoted to Wisconsin's hazardous air pollutant rule (NR 445). Topics to be discussed during the afternoon session include: an overview of the hazardous air pollutant rule, determining compliance with the rule and an interface between the state and federal rules.

There are a number of pre-conference workshops scheduled for Monday March 7th:

- ✓ Environmental, health & safety primer
- ✓ Train the environmental trainer
- ✓ Stormwater permitting
- ✓ 8-Hour hazwoper review course

For more information on the conference visit: **www.fetinc.org** or contact the FET office at 262-644-0070.

WISCONSIN DEPARTMENT OF COMMERCE

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201 W. Washington Ave,
P.O. Box 7970
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